

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS**

**Elizabeth G. Duncan,**

**Plaintiff,**

**v.**

**Case No. 08-2144-JWL**

**Michael J. Astrue, Commissioner  
of Social Security,**

**Defendant.**

**MEMORANDUM & ORDER**

On April 17, 2009, United States Magistrate Judge Donald W. Bostwick issued his report and recommendation, recommending that the court reverse the Commissioner's decision in this case and enter judgment in accordance with the fourth sentence of 42 U.S.C. § 405(g) remanding the case for further proceedings. The time for filing objections to the report and recommendation has now passed and no objections have been filed. After reviewing the report and recommendation and without objection from the parties, then, the court adopts the magistrate judge's report and recommendation in its entirety.

**IT IS THEREFORE ORDERED BY THE COURT** that Judge Bostwick's report and recommendation (doc. 19) is adopted in its entirety. Specifically, the court reverses the Commissioner's decision and the case is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the report and recommendation.

**IT IS SO ORDERED** this 5<sup>th</sup> day of May, 2009.

s/ John W. Lungstrum  
John W. Lungstrum  
United States District Judge